

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7436

BILL NUMBER: HB 1551

NOTE PREPARED: Jan 20, 2005

BILL AMENDED:

SUBJECT: Vital Statistics, Records, and Reports.

FIRST AUTHOR: Rep. Wolkins

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & local

Summary of Legislation: This bill adopts privacy standards for the disclosure of information contained in vital statistics, vital records, and vital reports. The bill requires the State Department of Health to adopt rules for inspections of vital statistics, vital records, and vital reports for genealogical studies. The bill also allows the news media to inspect and copy vital statistics, vital records, and vital reports. It makes conforming changes.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under the bill, the State Department of Health may adopt rules, providing adequate standards of security and confidentiality, to specify who may obtain copies of vital records. The Department should be able to cover any additional administrative costs related to the rule adoption process within the Department's existing resources.

Background: Under current law, certain public records are excepted from access to information laws. Under the bill, vital records, vital reports, and vital statistics would be added to this list of excepted records and would only be released within certain guidelines which would be included in statute and administrative rules adopted by the State Department of Health. Also under the bill, a vital record that is a certificate or report of a death would be made available for inspection and copying after 50 years, and a birth record would be available for public inspection after 75 years. There are no requirements for release in current law.

Local Issuance of Certificates: Under current law, a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if the health office is satisfied that the applicant has a direct interest in the matter; the health office determines that the certificate is necessary for the determination of personal or property rights or for compliance with state or federal law; and the applicant for

a birth certificate presents at least one form of identification. The decision whether to issue or not issue a certified copy of a birth certificate is subject to court review. In addition, the officer may not issue a copy of a birth certificate of a missing child without approval. Individuals that do not meet the criteria for certified copies of certificates may receive noncertified copies of vital records from local offices.

Explanation of State Revenues: For each death certificate issued, the counties assess a \$1 fee for the State Coroner's Training Fund. The Coroner's Training Board has averaged \$366,450 annually in collections over the last 5 years. A decrease in the number of death certificates issued in the counties will reduce the funding available for coroner's training. The State Department of Health also issues birth and death certificates. The Department charges \$8 for an original death certificate and \$4 for each additional copy; charges for birth certificates are \$10 and \$4 for each additional copy. Any reduction in the number of copies of vital records issued by the Department would decrease fee revenue from this source.

Explanation of Local Expenditures: This bill allows members of the news media to inspect and copy vital records, vital reports, and vital statistics from local registrars. Members of local news media currently have access to these records, thus this provision should not result in any increase in local expenditures. In addition, any reduction in number of copies of vital records issued to the general public may result in decreased local expenditures associated with public access to vital records.

Explanation of Local Revenues: The bill may reduce the number of copies of vital records, and associated revenues, issued by local health departments. This bill implements uniform standards for issuance of birth and death certificates. Under current law, county health departments have separate standards from the State Department of Health. The current standards for counties are less restrictive and allow more individuals to receive copies of birth and death certificates than state standards. This bill applies stricter requirements for county health department issuance of birth and death certificates. Due to the changes in this bill, the county departments may issue fewer certificates and, as a result, collect less revenue from fees. Current county fees for birth and death certificates range from \$2 to \$13, depending upon county. The number of certificates issued annually and the reduction in certificates that will be issued is unknown.

State Agencies Affected: State Department of Health.

Local Agencies Affected: Local Health Departments.

Information Sources: Janet Westendorf, Treasurer, Indiana Vital Records Association, Inc., 260-449-3503; Barbara Stultz, Indiana State Department of Health, 317-233-7523.

Fiscal Analyst: Kathy Norris, 317-234-1360.